

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SOUTHWESTERN INVESTORS GROUP  
LLC and ELEMENT GLOBAL SERVICES,  
INC.,

Plaintiffs,

v.

LISMORE HOLDINGS, LP, RENT-A-  
CENTER, INC., RAC ACCEPTANCE  
EAST, LLC, RAC ACCEPTANCE WEST,  
LLC, and RAC ACCEPTANCE, TEXAS,  
LLC,

Defendants.

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**DECISION AND ORDER**  
15-CV-1028-A

This action was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b) for the conduct of pretrial proceedings. On June 30, 2016, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 49) recommending that the action be stayed pending arbitration. The Court has reviewed the Report and Recommendation and the record in this case, and no objections having been timely filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, that the action is stayed pending arbitration for the reasons set forth in Magistrate Judge Scott's Report and Recommendation; and, specifically, that:

(1) the motion of Defendants RAC Acceptance East, LLC, RAC Acceptance West, LLC, RAC Acceptance Texas, LLC, and Rent-A-Center, Inc., to compel

arbitration or, alternatively, to transfer or dismiss (Dkt. No. 8) is granted to the extent that the action is stayed pending arbitration, is denied to the extent that arbitration is not compelled, is denied without prejudice as to transfer of venue to the Eastern District of Texas, and held in abeyance as to dismissal;

(2) the motion of Defendant Linsmore Holdings, LP, to transfer venue to the Eastern District of Texas (Dkt. No. 23) is denied without prejudice;

(3) the motion of Defendant Linsmore Holding, LP, to compel arbitration is denied as to Plaintiff Investors Group LLC, but granted in part as to Element Global Services, Inc., to the extent that the action is stayed to allow arbitration and otherwise denied; and

(4) the motion of Plaintiffs Investors Group LLC and Element Global Services, Inc., to compel portfolio purchase price disclosure and to compel mediation are denied without prejudice.

The action is recommitted to the Magistrate Judge pursuant to the Court's prior referral order (Dkt. No. 40) for future proceedings as may be necessary.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: July 27, 2016